

OVER-THE-ROAD BUS SECURITY AND SAFETY ACT OF 2003

MARCH 13, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 875]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 875) to direct the Secretary of Transportation to make grants for security improvements of over-the-road bus operations, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BACKGROUND AND NEED

The latest figures from the American Bus Association demonstrates that the over-the-road bus industry, comprised of private bus operators, transports 774 million passengers annually. The industry's 4,000 bus operators, using 40,000 motor coaches, transport more passengers than the airlines or Amtrak. In addition, the intercity bus transportation industry serves nearly 5,000 destinations, more than 7 times the number served by air or Amtrak.

Recent terrorist acts on foreign buses and bus stations demonstrate the necessity for bus security. In fact, an analysis of worldwide terrorist activities from 1920–2000 shows that 49 percent of terrorist attacks involve a bus or a bus facility. Moreover, as security on passenger rail and airlines increases, potential terrorists could shift to other modes of transportation for terrorist activities.

In the wake of September 11th, the Committee on Transportation and Infrastructure reexamined the security safeguards for the modes within its jurisdiction. With increases in aviation and port security, the Subcommittee on Highways, Transit, and Pipelines recognized that bus travel could pose an attractive alternative

mode for terrorists and criminals. Terminals that have already implemented a passenger screening process have seen a rise in discarded weapons in bus station's wastebaskets and property. Facility improvements and baggage screening are sure to become valuable security improvements when implemented.

With so many Americans utilizing over-the-road buses to meet their transportation needs, it is necessary and appropriate for the federal government to utilize public resources to help satisfy the transportation security needs of the bus riding public, as well as provide incentives for increased private investment to enhance security.

H.R. 875 authorizes \$99 million for fiscal years 2003 and 2004 to fund a bus security grant program administered by the Secretary of Transportation. Grants will be made to private operators of over-the-road buses for security improvements. The Secretary will act through the Federal Motor Carrier Safety Administration (FMCSA), the regulatory agency with oversight of the over-the-road bus industry, to establish the grant program. Currently, a total of \$25 million in intercity bus grants has been provided to the Transportation Security Administration (TSA) without prior authorization by the fiscal year 2002 Supplemental Appropriations bill and the fiscal year 2003 Omnibus Appropriations Act. The Committee expects that the FMCSA will consult with the TSA on the administration of these and future intercity bus security grants, including determining eligibility, establishing evaluation criteria, selecting grantees, determining grant amounts and intended uses, and monitoring the subsequent use of funds provided under this program. Under the current Memorandum of Agreement between the Department of Transportation and the TSA, the partner agencies have agreed that they can enter into reimbursable or similar agreements. If it is mutually agreed between FMCSA and TSA, grant funds authorized in this bill may be transferred under this reimbursable agreement from DOT to TSA for administration of grants. However, regardless of whether the grants are administered by the FMCSA or by the TSA, all requirements and provisions of the authorization shall be fulfilled.

SUMMARY

Section 1. Short title

This section states the bill title as "Over-the-Road Bus Security and Safety Act of 2003".

Section 2. Emergency over-the-road bus security assistance

This section directs the Secretary of Transportation, acting through the Administrator of the FMCSA, to establish a program for making grants to private operators of over-the-road buses for system-wide security improvements to their operations, including the reimbursement of extraordinary security related costs incurred since September 11, 2001. Eligible uses include: constructing and modifying terminals, garages, facilities, and over-the-road buses to assure their security; improvements to protect or isolate the driver; upgrading, purchasing, or installing manifest or ticketing systems; hiring security officers; training employees; installing surveillance equipment; conducting employee background checks; establishing

emergency communications systems; and implementing passenger screening programs. This section also makes clear that grants under this bill will adhere to the existing requirements for over-the-road bus operators under section 3038(f) of the Transportation Equity Act for the 21st Century. The federal share will be 90 percent of the cost of the improvement for which any grant is made.

Section 3. Plan requirement

This section requires that over-the-road bus operators submit a plan to the Secretary prior to receiving grants. The plan must comply with the uses described within Section 2 and include any additional information the Secretary deems necessary to ensure the accountability of amounts made available through the grant program. This section also provides that an applicant for a grant for improvements at a terminal owned and operated by an entity other than the applicant must demonstrate to the Secretary that the improvements have been coordinated with the terminal's owner or operator.

Section 4. Over-the-road bus defined

This section defines an over-the-road bus as a bus characterized by an elevated passenger deck located over a baggage compartment, consistent with the definition used in the Transportation Equity Act for the 21st Century.

Section 5. Bus security assessment

This section directs the Secretary to submit a preliminary report within 180 days of enactment to the Senate Committee on Commerce, Science and Transportation and the House Committee on Transportation and Infrastructure. The report will include assessments of: the grant program established by the bill; actions taken by public and private entities to address security issues and recommendations on whether additional actions, including legislation, are needed; the economic impact of security upgrades on the over-the-road bus industry and its employees; ongoing and needed research on over-the-road bus security; and industry best practices to enhance security. In conducting the assessments, the Secretary is to consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

Section 6. Funding

This section authorizes \$99 million for the grant program for fiscal years 2003 and 2004 and provides that such sums shall remain available until expended.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 107th Congress, H.R. 3429, the Over-the-Road Bus Security and Safety Act of 2001, was introduced and considered by the House Transportation and Infrastructure Committee. On November 15, 2002, the bill, as amended, was passed by the House of Representatives and sent to the Senate. The Senate did not act on the legislation.

The House-passed bill from the 107th Congress was reintroduced on February 25, 2003, and is now known as H.R. 875. The only

substantive changes in the bill were to amend its short title and extend the number of years for which funding was authorized through 2004. Subcommittee action on the bill was waived, and the Committee on Transportation and Infrastructure met in open markup session on February 26, 2003 and approved H.R. 875 without amendment, by voice vote.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill contains no measure that authorizes funding, so no statement of general performance and objectives for which any measure authorizes funding is required.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 875 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 10, 2003.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 875, the Over-the-Road Bus Security and Safety Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 875—Over-the-Road Bus Security and Safety Act of 2003

Summary: H.R. 875 would authorize the Secretary of Transportation to provide grants to operators of over-the-road buses for improving the security of their buses and bus terminals. (Over-the-road buses are characterized by an elevated passenger deck above a baggage compartment.) For these grants, the bill would authorize the appropriation of \$99 million for fiscal years 2003 and 2004.

CBO estimates that implementing H.R. 875 would cost \$99 million over the 2003–2007 period, assuming appropriation of the authorized amounts. Enacting H.R. 875 would not affect direct spending or receipts.

H.R. 875 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 875 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation). For this estimate, CBO assumes that H.R. 875 will be enacted in fiscal year 2003, and that the authorized amounts will be appropriated. We assume funds authorized for 2003 will be provided in a supplemental appropriation. Estimates of outlays are based on information from the Federal Transit Administration and historical spending patterns of similar programs.

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	50	49	0	0	0	0
Estimated Outlays	4	35	30	25	5	0

Intergovernmental and private-sector impact: H.R. 875 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office

pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1994 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 875 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

CHANGES IN EXISTING LAW MADE THE BILL, AS REPORTED

H.R. 875 makes no changes in existing law.

